



UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

23
Status of
Color
7-303

In re Application of: Claude E. Brown
Serial No.: 09/735,186
Filed: December 15, 2000
For: AGRICULTURAL METHODS
WITH SUPERHEATED STEAM
Examiner: J. Gellner
Art Unit: 3643
Att'y. Dkt.: 800132-15

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(37 C.F.R. § 1.8A)**

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Jordan Wilson
Jordan Wilson

STATEMENT OF STATUS, AND
SUPPORT FOR CHANGES TO CLAIMS UNDER 37 C.F.R. §1.173(c)

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Sir:

Changes to the claims are presented in the Amendment attached herewith. The paper
presents a status of claims and support for changes to claims under §1.173(c).

STATUS OF CLAIMS

Claims 1-42 and 44-46 are pending, and Claim 43 has been previously cancelled.

SUPPORT FOR CLAIM CHANGES

Claims 11, 12, 22, 30, and 37

Claim 11 has been amended to reinstate a recitation previously deleted in the reissue application. Specifically, Claim 11 has been amended herein to recite the step of "delivering the flow of superheated steam to basal leaves adjacent to developing grape berries," support for which is found in the original Claim 11.

Claim 12 has been amended to reinstate the recitation of the original claim 12.

Claims 22, 30, and 37 have been amended to cite steam "in which substantially all water droplets are removed from the steam before forming superheated steam," or its equivalent. Support for this recitation is found, for example, in column 6, lines 12-13 of the original patent

Claims 44 – 46


Claims 44 – 46 were previously presented in the Amendment of January 31, 2002. It was noted that these claims were not previously presented in the form required by §1.173(c). Support for these claims are found, for example, in column 4, lines 49 – 55, and column 6, lines 12 – 13 of the original patent.

If the Examiner should feel that a telephone interview would be productive in resolving issues in the case, he is invited to telephone the undersigned at the number listed below.

May 28, 2003

Sheppard Mullin Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
Tel: (415) 774-3208

Respectfully submitted,

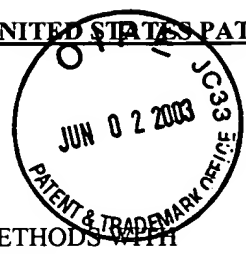


Steven R. Vosen
Registration No. 45,186

3643

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Claude E. Brown
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AMENDMENT TRANSMITTAL

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Commissioner for Patents
P.O. Box 1450
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Sir:

Transmitted herewith for filing is an Amendment Under 37 CFR 1.173 in the above-identified application.

FEE CALCULATION FOR CLAIMS AS AMENDED

Claims Rem. After Amend.	Claims Previously Paid For Extra	(3)Present Rate	Half	Addit. Fee	OR	Full Rate	Addit. Fee
*Total 45	Minus 45	= 0	x9=	\$		x 18=	\$ 0.00
*Indep. 7	Minus 7	= 0	x42=			x 84=	\$ 0.00
[] First Presentation of Multiple Dep. Claim			+140=	\$		+280=	\$ 0.00
Total Addit. Fee \$					OR	Total Addit. Fee	\$ 0.00

- (X) No additional claims fee is required.
- (X) Other: Statement of Status, and Support for Changes to Claims Under 37 C.F.R. § 1.173(c); Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement; Letters Patent for U.S. Patent No. 5,876,935; Copy of Preliminary Amendment previously filed on December 15, 2000; Change of Correspondence Address - Form PTO/SB/122.
- () Small Entity Fee (reduced by half)
- () A check in the amount of \$ _____ is attached.
- () Charge \$ _____ to Deposit Account No. 501395.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 501395. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 501395. This sheet is filed in duplicate.

May 28, 2003
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By:
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